

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JANUARY 17, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ROC-18046 - APPLICANT/OWNER: THE AQUATANIA CORP.**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL**, subject to:

**Public Works**

1. Dedicate an additional 10 feet of right-of-way adjacent to this site for Bonanza Road, an additional 4 feet for Main Street, and a 25-foot radius on the northwest corner of Bonanza Road and First Street prior to the issuance of any permits. Additional public street dedications may be required if so determined in the approved Traffic Impact Analysis. Coordinate with the Right-of-way Section of the Department of Public Works for assistance in preparing the appropriate documents.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Review of Condition Number 3 of an approved Rezoning (Z-0046-02) to allow a radius of 30 feet where 54 feet was required on the northwest corner of Bonanza Road and Main Street.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
11/20/02	The City Council approved a Rezoning (Z-0046-02) to C-1 (Limited Commercial), a Special Use Permit (U-0114-02) for a multi-family senior apartment complex, a Variance to allow lot coverage in excess of 50% for a senior apartment complex, and a Site Development Plan Review [Z-0046-02(1)] for a 256-unit multi-family senior apartment complex with 20,000 square feet of commercial development on the subject property. The Planning Commission and staff recommended approval.
11/17/04	The City Council approved an extension of Time (EOT-5402) for a Rezoning (Z-0046-02) to C-1 (Limited Commercial); an Extension of Time (EOT-5404) for a Special Use Permit (U-0114-02), which allowed a multi-family senior apartment complex; and an Extension of Time (EOT-5403) for a Site Development Plan Review [Z-0046-02(1)] for a 256-unit multi-family senior apartment complex with 20,000 square feet of commercial development on the subject property.
11/02/05	The City Council approved a Site Development Plan Review (SDR-8649) for a mixed-use development with 296 residential units and 34,700 square feet of commercial space and waivers in building placement; street and foundation landscape standards; front, corner side, and rear yard setback requirements; and to allow a 241-foot residential adjacency setback where 249-feet from residential property is required, a variance (VAR-8651) to allow no step back where a 1:1 step back ratio is required above 35 feet, and a special use permit (SUP-8814) for a proposed mixed-use development at this location. The Planning Commission and staff recommended approval.
08/24/06	The Planning Commission approved a Tentative Map for a mixed-use subdivision consisting of 296 residential condominium units and one commercial lot. Staff recommended approval.
09/20/06	The City Council approved an Extension of Time of an approved Rezoning (Z-0046-02) from R-2 (Medium-Low Density Residential) and C-M (Commercial/Industrial) to C-1 (Limited Commercial). Staff recommended approval.

12/21/06	The Planning Commission approved a request for a Major Modification to an approved Site Development Plan Review (SDR-8649) a proposed addition of a 2,600 square-foot restaurant and an addition of 40 feet in height of an approved mixed-use development and to allow a residential adjacency setback of 57 feet where 375 feet is the minimum required on 2.87 acres at the northeast corner of Main Street and Bonanza Road. Staff recommended approval. This item will be heard at the 01/17/06 City Council meeting.
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no permits or licenses related to this request.	
<b><i>Pre-Application Meeting</i></b>	
A pre-application meeting is not required, nor was one held.	
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	2.87

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped	MXU (Mixed-Use)	R-2 (Medium Low Density Residential) and C-M (Commercial/Industrial) under Resolution of Intent to C-1 (Limited Commercial)
North	Shops and single-family residences	MXU (Mixed-Use) and C (Commercial)	R-2 (Medium Low Density Residential) and C-M (Commercial/Industrial)
South	Single-family residences and a parking lot	MXU (Mixed-Use) and C (Commercial)	R-4 (High Density Residential) under Resolution of Intent to C-2 (General Commercial) and C-M (Commercial/Industrial)
East	Single-family residences and an office	MXU (Mixed-Use)	R-1 (Single-Family Residential) and P-R (Professional Office and Parking)
West	Shops and industrial uses	C (Commercial)	C-M (Commercial/Industrial) and M (Industrial)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>			
Downtown North Land Use Plan Area	X		Y
Redevelopment Plan Area	X		Y
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District (200-foot)	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## ANALYSIS

The Department of Public Works has no objection to the Request for a Review of Condition application related to Zoning Reclassification Z-0046-02, Condition No. 3 that required a 54-foot radius dedication on the northwest corner of Bonanza Road and Main Street. The City Engineer and Traffic Engineer have approved the radius to go from 54 feet to 30 feet. For that reason the Department of Public Works agrees to revise Condition No. 3. If approved, The Department of Public Works recommends that Condition No. 3 be revised as follows:

3. Dedicate an additional 10 feet of right-of-way adjacent to this site for Bonanza Road, an additional 4 feet for Main Street, and a 25-foot radius on the northwest corner of Bonanza Road and First Street prior to the issuance of any permits. Additional public street dedications may be required if so determined in the approved Traffic Impact Analysis. Coordinate with the Right-of-way Section of the Department of Public Works for assistance in preparing the appropriate documents.

The Planning Department does not have any objections to this request as this involves the public right-of-way and does not have a negative effect on the proposed project at this location. The proposed changes to the radius corner at the northwest corner of Bonanza Road and Main Street will not endanger the public health or the general welfare and are considered appropriate.

### Previous Conditions of Approval from Rezoning (Z-0046-02)

1. Resolution of Intent with a two-year time limit.

2. A Site Development Plan review application approved by the Planning Commission and City Council prior to issuance of any permits, any site grading and all development activity for the site.

3. Dedicate an additional 10 feet of right-of-way adjacent to this site for Bonanza Road, an additional 4 feet for Main Street, an additional 14 feet for a total radius of 54 feet on the northeast corner of Bonanza Road and Main Street, and a 25 foot radius on the northwest corner of Bonanza Road and 1<sup>st</sup> Street prior to the issuance of any permits. Additional public street dedications may be required if so determined in the approved Traffic Impact Analysis. Coordinate with the Right-of-way Section of the Department of Public Works for assistance in preparing the appropriate documents.
4. Construct all incomplete half-street improvements on 1<sup>st</sup> Street, Bonanza Road and Main Street, if any, adjacent to this site concurrent with development of this site. Also, remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
5. Meet with the Traffic Engineering Representative in Land Development for assistance in the possible redesign of the proposed driveway access, on site circulation and parking lot layout prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222A, unless otherwise allowed by City Traffic Engineer. Also, any new driveways or modifications to existing driveways along Main Street and Bonanza Road shall receive approval from the Nevada Department of Transportation.
6. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, or the submittal of any construction drawings. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine area traffic mitigation contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits for this site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

Alternatively, in lieu of a Traffic Impact Analysis, the applicant may participate in a reasonable alternative mutually acceptable to the applicant and the Department of Public Works.

7. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, whichever may occur first, if allowed by the City Engineer.
8. Landscape and maintain all unimproved right-of-way on 1<sup>st</sup> Street, Bonanza Road and Main Street adjacent to this site.
9. Submit an Encroachment Agreement or obtain an Occupancy Permit, as appropriate, for all private improvements located in the 1<sup>st</sup> Street, Bonanza Road and Main Street public rights-of-way adjacent to this site prior to occupancy of this site.

## **FINDINGS**

The amendment to Condition Number 3 to allow a radius of 30 feet where 54 feet was required on the northwest corner of Bonanza Road and Main Street is appropriate. The condition shall be modified as stated by the Department of Public Works.

## **NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

N/A

**ASSEMBLY DISTRICT**      N/A

**SENATE DISTRICT**      N/A

**NOTICES MAILED**      169

**APPROVALS**      0

**PROTESTS**      0